

REMARKS**Summary of the Response to Office Action**

This Amendment responds to the Office Action mailed on July 12, 2007.

Claims 1-3, 5, 6, 8-11, 13, 14 and 16 as amended and new dependent claim 19 are pending in this application.

Claims 4, 7, 12, 15, 17 and 18 stand withdrawn under a restriction requirement.

Claims 1-3, 5, 6, 8-11, 13, 14 and 16 stand rejected.

The pending claims are respectfully submitted for reconsideration by the Examiner.

Applicants further request withdrawal of the restriction requirement because claims 4, 7, 12, 15, 17 and 18 all depend or ultimately depend from claim 1 or claim 9.

There is no issue of new matter as the amendments are fully supported by the application as originally filed.

Interview Summary

Applicants wish to acknowledge the courtesies extended to Applicants' representative during the telephone interview with Examiner King on October 4, 2007. The substance of the interview is incorporated in the following remarks. The Office action dated July 12, 2007 was briefly discussed. Applicants' representative proposed an amendment to claims 1 and 9. Examiner indicated that these changes would render the claims 1 and 9 allowable.

Rejections to the Claims Under 35 U.S.C. § 102 (b)

Claims 1-2, 5-6, 9-10, and 13-14 were rejected under 35 U.S.C. 102 (b) as being anticipated by U.S. Patent No. 5,975,252 to Suzuki et al. ("Suzuki et al.").

Claim 1

Claim 1 recites in part, a “floating caliper type disc brake comprising...a pair of pads...pressed-side shim plates...respectively retained by those surfaces of back plates of the pair of pads which are located away from a rotor side” and “pressing-side shim plates...respectively *fixed to* pressing sides of the claw portion and the piston.”

Suzuki et al does not disclose “pressing-side shim plates” as recited by claim 1.

Instead, Suzuki et al. discloses that inner shim 17 is secured to the back of backing plate 16. (Suzuki et al, 5:58-67). Suzuki et al. discloses that outer shim plate 18 is a second shim plate provided on the back of the friction pad 15 so as to be overlaid on the inner shim plate 17. (*Id.*, 6:1-3). It is understood that both the inner shim 17 and the outer shim 18 are secured to the backing plate 16, but the outer shim 18 is not fastened securely to the claw portion or piston. Hence the outer shim 18 is not “fixed to” pressing sides of the claw portion or piston, and thus Suzuki et al. fails to disclose “pressing side shim plates” as recited by claim 1. For at least this reason, Suzuki et al. does not anticipate claim 1.

Claims 2 and 5-6

Claims 2 and 5-6 depend or ultimately depend from claim 1, and thus incorporate the features of claim 1. Accordingly, dependent claims 2 and 5-6 are believed patentable over Suzuki et al. for at least the same reasons as claim 1, as well as for the features recited by each dependent claim.

Claim 9

Claim 9 recites in part, a “floating caliper type disc brake comprising...a pair of pads...pressed-side shim plates...respectively fixed to or retained by those surfaces of back

plates of the pair of pads which are located away from a rotor side” and “pressing-side shim plates...respectively *fixed to* pressing sides of the claw portion and the piston.”

As described above in connection with claim 1, Suzuki et al discloses that the inner shim 17 and the outer shim 18 are secured to the backing plate 16, but fails to disclose that the outer shim 18 is “fixed to” the pressing sides of the claw portion or piston. Accordingly, Suzuki et al. fails to disclose “pressing-side shim plates” as recited by claim 9, and thus does not anticipate claim 9.

Claims 10 and 13-14

Claims 10 and 13-14 depend or ultimately depend from claim 9, and thus incorporate the features of claim 1. Accordingly, dependent claims 10 and 13-14 are believed patentable over Suzuki et al. for at least the same reasons as claim 9, as well as for the features recited by each dependent claim.

Rejections to the Claims Under 35 U.S.C. § 103 (a)

Claims 3 and 11

Claims 3 and 11 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Suzuki in view of U.S. Patent No. 5,562,187 to Tribuzio et al. (“Tribuzio et al.”).

Claims 3 and 11 depend or ultimately depend from claims 1 or 9, and thus incorporate the features of claim 1 or 9. Accordingly, dependent claims 3 and 11 are believed patentable over Suzuki et al. for at least the same reasons as claims 1 and 9, as well as for the features recited by each dependent claim. In addition, Tribuzio et al. fails to remedy the deficiency of Suzuki et al. alone or in any combination. Accordingly, claims 3 and 11 are believed patentable over the cited

references for at least the same reasons as claims 1 and 9, as well as for the features recited by each dependent claim.

Claims 8 and 16

Claims 8 and 16 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Suzuki in view of Japanese Patent No. 1-224530. Claims 8 and 16 depend or ultimately depend from claims 1 or 9, and thus incorporate the features of claim 1 or 9. Accordingly, dependent claims 8 and 16 are believed patentable over Suzuki et al. for at least the same reasons as claims 1 and 9, as well as for the features recited by each dependent claim.

Japanese Patent No. 1-224530 fails to remedy the deficiency of Suzuki et al., and thus claims 8 and 16 are believed patentable over the cited references for at least this reason.

New Claim 19

New claim 19 depends from claim 1 and recites more particular aspects of the floating type caliper disc brake claimed by the applicants. Claim 19 is believed to be allowable for at least the same reasons as claim 1. Support for claim 19 may be found, for example, in the drawings at FIGS 11-13 and in the specification at page 41, lines 6-13 and at page 42, lines 3-9.

CONCLUSION

In view of the foregoing amendments and remarks, it is believed that all rejections have been overcome and should be withdrawn. Thus all current claims are submitted to be in condition for allowance, early notice of which would be appreciated. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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